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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,459

Applicant(s)

ADAMS ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 35-38 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Newly submitted claims 35-38 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are directed to a hosted advanced routing server which is classified in 370/401.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 35-38 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 5-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott et al. (U.S. Patent 6,614,781 B1).

For claim 1, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a packet at a network node (figure 1, col. 18 lines 40-50);

determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64); and

sending said packet to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 2, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 3, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 5, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

- receiving a packet at a network node (figure 1, col. 18 lines 40-50);
- determining whether said packet requires advanced routing services, with said advanced routing services comprising dynamic routing (figure 1, col. 18 lines 51-64);
- sending a request for advanced routing information to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21);
- receiving said advanced routing information (figure 1, col. 18 lines 40-50); and
- routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 6, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 7, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 8, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a packet and a request for advanced routing information from an intermediate node (figure 1 and figure 8A, col. 18 lines 40-50, col. 18 lines 60-63 and col. 49 lines 19-21);  
determining a packet classification for said packet (col. 76 lines 43-52);  
retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50); and  
routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 9, Elliott et al. disclose wherein said packet is received and routed using a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 10, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 11, Elliott et al. disclose wherein said retrieving comprises retrieving said routing information from a routing table (figure 5A, col. 34 lines 59-67).

For claim 12, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a request for advanced routing information for a packet from an intermediate node (figure 1 and figure 8A, col. 18 lines 40-50, col. 18 lines 60-63 and col. 49 lines 19-21);  
determining a packet classification for said packet (col. 76 lines 43-52);  
retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50); and  
sending said advanced routing information to said intermediate node (figure 1, col. 18 lines 40-50).

For claim 13, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 14, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 15, Elliott et al. disclose wherein said retrieving comprises retrieving said routing information from a routing table (figure 5A, col. 34 lines 59-67).

For claim 16, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a request for an advanced network service for a packet from an intermediate node over a first virtual connection (figures 16A-B, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30 and col. 82 lines 40-51);

performing said advanced network service for said packet (col. 18 lines 33-63); and

sending said packet over a second virtual connection (figure 1, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30 and col. 82 lines 40-51).

For claim 17, Elliott et al. disclose wherein said first and second virtual connections are secure (col. 79 lines 24-49).

For claim 18, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70 B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet at a network node (col. 18 lines 33-63), determining whether said packet requires advanced

routing services (figure 1, col. 18 lines 51-64), and sending said packet to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 19, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in sending said packet over a secure virtual connection (col. 79 lines 24-49).

For claim 20, Elliott et al. disclose wherein the stored instructions, when executed by a processor (figure 70 B, col. 58 lines 41-47), further result in receiving said packet with advanced routing information, and sending said packet to another network node using said advanced routing information (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 21, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet at a network node (col. 18 lines 33-63), determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64), sending a request for advanced routing information to an advanced routing services provider, receiving said advanced routing information (figure 1, col. 18 lines 40-50), and routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 22, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in sending and receiving said request and said advanced routing information, respectively, over a secure virtual connection (col. 79 lines 24-49).

For claim 23, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);  
said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet (col. 18 lines 33-63), determining a packet classification for said packet (col. 76 lines 43-52), and a request for advanced routing information from an intermediate node (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21), retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50), and routing said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 24, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in receiving and routing over a secure virtual connection (col. 79 lines 24-49).

For claim 25, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a packet at a network node (figure 1, col. 18 lines 40-50);  
determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64); and  
sending said packet to an advanced routing services provider (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 26, Elliott et al. disclose wherein said sending is performed over a secure virtual connection (col. 79 lines 24-49).



For claim 27, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing advanced network services in a network by receiving a request for an advanced network service for a packet from an intermediate node over a first virtual connection, performing said advanced network service for said packet; and sending said packet over a second virtual connection (figure 1, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30 and col. 82 lines 40-51).

For claim 28, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in receiving and sending over a secure virtual connection (col. 79 lines 24-49).

For claim 29, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a communication medium (figure 1, col. 18 lines 40-57);

a network node to connect to said communication medium, said network node to receive a packet and determine whether said packet requires advanced routing services or advanced network services (figure 1, col. 18 lines 40-64); and

a hosted advanced routing server to connect to said communication medium, said hosted advanced routing server to provide said advanced routing services or advanced network services for said packet (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 30, Elliott et al. disclose wherein said network node determines whether said packet requires said advanced routing services or advanced network services, said network node to send said packet and a request for such services over said communication medium (figure 1, col. 18 lines 40-64).

For claim 31, Elliott et al. disclose wherein said hosted advanced routing server receives said packet and request, and processes said packet in accordance with said request (figure 1 and figure 8A, col. 18 lines 40-63 and col. 49 lines 19-21).

For claim 32, Elliott et al. disclose wherein said network node determines whether said packet requires said advanced routing services or advanced network services, sends a request for such services over said communication medium, receives information to perform such services from said hosted advanced routing server, and processes said packet using said information (figure 1 and figure 8A, col. 18 lines 40-63 and col. 49 lines 19-21).

For claim 33, Elliott et al. disclose wherein said network node establishes a virtual connection to said hosted advanced routing server over said communication medium (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 34, Elliott et al. disclose wherein said virtual connection comprises a secure virtual connection (col. 79 lines 24-49).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3 and 5-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Contact Information***

Art Unit: 2665

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN

T. N.



ALPUS H. HSU  
PRIMARY EXAMINER